

## Title 12 - STREETS, SIDEWALKS AND PUBLIC PLACES

### Chapters:

#### Chapter 12.04 - STREET NAMES AND NUMBERS

### Sections:

12.04.010 - Street names affirmed—Changes and new designations.

The several streets in the City shall continue to be called by the names heretofore given to them, until such names are altered by the City Council. The City Council, subject to any provisions of law relative thereto, shall give names to all streets hereafter laid out and may change the name of a street at any time, except that no street shall be given the designation of any existing street, and no street shall be accepted so long as the name thereof is the same as that of any existing street.

(Prior code § 17-6)

12.04.020 - Street numbers established—Posting on premises.

The Council may order numbers in regular series, at the expense of the owner or occupant, of such form, size and material, and in such mode, place, succession and order, as it may determine, to be affixed to or inscribed upon, all building on any street. Any person having the control of any such building, refusing or neglecting to affix or inscribe it, the number designated by the Council, or allowing any other number to remain thereon more than one week after notice so to affix or inscribe, shall be liable to a penalty not exceeding fifty dollars.

(Prior code § 17-7)

#### Chapter 12.08 - ADVERTISING SIGNS AND DISPLAYS

### Sections:

12.08.010 - Encroachments onto streets—Permit required—Fee—Exceptions.

No sign, advertising device, clock, marquee, barber pole, stationary or movable, permanent awning or other like structures, projecting into or placed on or over the public highway a distance of more than six inches, except poles, wires, conduits and appurtenances of telegraph and telephone, water, gas, electric light, heat and power companies and public transportation authorities shall be placed or maintained in any public way until a permit therefor has been granted by the City Council. The permit shall be issued by the Superintendent of Streets and effective June 1, 2009, the fee shall be seventy-five dollars.

(Ord. 1322, 5/18/2009; Prior code § 3-1)

#### 12.08.020 - Display of merchandise—Permit—Fee.

- A. No merchandise shall be displayed within the limits of any public highway in the City without a permit granted by the City Council and issued by the Superintendent of Streets. Effective June 1, 2009, the fee for the permit shall be seventy-five dollars annually.
- B. No counter, platform or other apparatus or structure for the purpose of selling merchandise shall be placed on any public highway in the City without a permit granted by the City Council, and issued by the Superintendent of Streets. Effective June 1, 2009, the fee for the permit shall be seventy-five dollars and for any permits granted for periods of more than one year the fee shall be seventy-five dollars annually.
- C. No permit shall be granted for encroachment of such merchandise, counter, platform or other apparatus or structure to exceed more than twenty-five percent of the width of the sidewalk from the property line of the premises in front of which such merchandise, counter, platform or other apparatus or structure shall be displayed or installed.

(Ord. 1322, 5/18/2009; Prior code § 3-2)

#### 12.08.030 - Connection with buildings—Building ordinance conformance.

All signs, advertising devices, clocks, marquees, barber poles, permanent awnings and other like structures shall be constructed, and, when attached to the building, shall be connected therewith in accordance with the requirements of the building ordinances of the City.

(Prior code § 3-3)

12.08.040 - Gasoline swing arms—Permit required—Fee.

No person shall install a gasoline swing arm to extend over the sidewalk without a permit from the Superintendent of Streets when authorized by the City Council. Permits may be granted for not more than one year from May 1st and shall be renewed on expiration or within thirty days thereafter. A fee of five dollars shall be paid for such permit and each renewal thereof.

(Prior code § 3-4)

12.08.050 - Advertising banners prohibited—Exceptions.

No advertising sign or banner shall be extended across any highway in the City except those of religious, fraternal or charitable organizations.

(Prior code § 3-5)

12.08.060 - Permit issuance subject to bond requirements.

Any person granted a permit under this chapter shall file a bond with the City Clerk in such amount as shall be fixed by the City Council with surety to be approved by the City Auditor and in form to be approved by the City Solicitor, so as to indemnify and save harmless the City from all claims, costs, damages or judgments resulting from or incident to or arising out of the issuing of permits.

(Prior code § 3-6)

12.08.070 - Violation—Penalty.

- A. **Criminal Penalty.** Any person who violates any section of this chapter shall be subject to a fine not exceeding fifty dollars, and each day's violation shall constitute a separate offense.
- B. **Noncriminal Disposition.** Whoever violates any provision of this chapter may be penalized by a noncriminal disposition as provided in G.L. c. 40, s. 21D. For purposes of this section, the Commissioner of Public Works shall be the enforcing officer, except that the Commissioner may delegate his enforcing authority to designated Public Works Enforcement Officers. The penalty for each violation will be twenty-five dollars. Each day's violation shall constitute a separate offense.

(Ord. 1084 § 4, 1989)

## Chapter 12.12 - STREET EXCAVATIONS AND OBSTRUCTIONS

### Sections:

#### 12.12.010 - License—Required—Filing of final plan.

- A. No person shall break or dig up the ground or stones in any street or on any sidewalk, or erect any staging for building, or place or deposit any stone, bricks, timber or building materials thereon, or otherwise occupy, obstruct or encumber the same, without first obtaining a written license from the Superintendent of Streets for that purpose. No gas pipe, water pipe, sewer, conduit, street railway track, pole nor any other structure, except wires, shall be placed beneath, upon or above any public street or way, except upon a location and at a grade approved by the City Engineer, or authorized by the City Council.
- B. Within sixty days after the completion of the work so approved or authorized a final plan showing accurately in detail the lines, grades and construction of the work as finished shall be filed in the office of the City Engineer. If required by the City Engineer, a preliminary plan showing the proposed location and grade of the structure shall first be filed in his office.
- C. Any person who violates the foregoing provision shall be subject to a penalty not exceeding fifty dollars for each offense and shall remove any structure placed contrary to the provisions of this section if required so to do by the City Engineer, and upon failure so to do the City Engineer may make such removal or change, and the cost thereof shall be paid to the City by the person owning or controlling the structure.

(Prior code § 17-9)

#### 12.12.020 - License—Form—Issuance conditions.

- A. The Superintendent of Streets may grant licenses in writing to persons having authority in the premises to open, occupy, obstruct, encumber and use parts of any street or sidewalk.
- B.

Every license shall specify the time, place, size and use of such opening, occupation or obstruction, and the time within which the street must be put in a condition satisfactory to the Superintendent of Streets, and each license so granted shall be upon the condition that:

1. The licensee shall conform to the statutes and ordinances of the City then in force, or that may thereafter be in force, and to the specifications in the license;
  2. The license may be revoked at any time by the Superintendent of Streets;
  3. Before performing any work authorized by the license the party licensed shall execute a bond to the City conditioned as required by the ordinances of the City, and subject to the additional condition that he shall cause the excavation and obstruction to be properly fenced during the whole time the street is opened and obstructed;
  4. He shall place and maintain from the beginning of twilight, through the whole of the night, over or near the place so occupied, opened, obstructed or used, and over or near any dirt, gravel or other material when thereupon or to be used by him, a light or lights fixed to the fence or in some other proper manner sufficient to protect travelers from injury;
  5. He shall place and maintain a safe and convenient way for the use of foot travelers, and a safe and convenient passage for public travel around or over such place;
  6. If he does not, within the time prescribed by the Superintendent, put the street into good condition, satisfactory to the Superintendent, he shall pay whatever sum the Superintendent shall expend for putting it to good condition, and that he shall surrender the license to the Superintendent on or before the expiration of the time fixed in the license for completing the work or any extension or extensions thereof.
- C. The Superintendent may in addition to such specifications, specify in the license, or after the issuance thereof, in writing the kind of rail or fence to enclose the place, and the kind of way over or around such place, and the manner of constructing it and where the passage or flow of pedestrian or vehicular traffic will be impeded or rerouted that such licensee shall procure at such licensee's expense sufficient

police detail as the regulations issued by the Chief of Police may require and nothing in this section shall be construed to prevent the insertion in the license of any other specification deemed advisable by the Superintendent of Streets.

(Prior code § 17-10)

#### 12.12.030 - License—Bond required.

Before any license described in Section 12.12.020 of this chapter is delivered to any person for the applicant therefor, such person, unless he is an employee of the City employed on public work, shall certify that a copy of the license entered in a book kept for the purpose is a correct copy of the license he received, and the applicant, unless the application is made in behalf of a department of the City or by a person who has given bond and who applies for a license in accordance with the provisions of this chapter, shall give a bond in the sum of not less than one thousand dollars with one or more sureties conditioned to the faithful observance of the conditions and specifications of every and all such licenses issued to the applicant, and the Superintendent of Streets may at any time require a new bond which shall be considered a strengthening bond, unless the sureties on the former bond are expressly released from their liability by the City Council; provided, that the Superintendent may accept one bond for more than one license whether then issued or issued at any time after the date of the bond.

(Prior code § 17-11)

#### 12.12.040 - License—Previous violations—Time limitations.

The Superintendent shall not issue any license to a person who has within one year previous to his application violated or failed to observe the conditions or specifications of any such license without special authority of the City Council.

(Prior code § 17-12)

#### 12.12.050 - Notices of defects in public ways.

The Superintendent shall keep a record of the notices of defects sent to him, with the name of any person giving the notice, and the time when given, and he shall without delay cause the locality of the alleged defect to be examined, and, if the defect is of such a character as to endanger the safety of public travel, shall do whatever may be necessary to prevent the public

from injury by the defect, and cause it to be immediately repaired; and every person in the employ of the City shall send to the Superintendent notice of every defect of which he has any knowledge.

(Prior code § 17-13)

12.12.060 - Unnecessary obstruction prevention—Proper repair required.

Whenever any street is opened, occupied, obstructed or encumbered by any department of the City, or any person, the Superintendent of Streets shall prevent any unnecessary obstruction while the work is in progress, and shall see that the street is repaired and put in good order when the work is completed. If the street is not repaired to his satisfaction he shall forthwith put it in good order, and shall render a bill for the expense of such repair to the department, or person whose duty it was to repair the street. All openings made in the street for any purpose whatever shall be filled back in layers six inches in depth, and each layer shall be properly rammed HH and, when necessary shall be wet down to prevent settling of the filling.

(Prior code § 17-14)

12.12.070 - Responsibility for damages.

Whenever any person lawfully makes any opening or causes any obstruction in any street, he shall be held responsible for any damages that may result from such opening or obstruction.

(Prior code § 17-15)

12.12.080 - Repaving within one year of excavation.

- A. Should any portion of the street which has been excavated require repaving or resurfacing within a period of one year from the time it has been disturbed, the Superintendent of Streets, shall, by mail, postage prepaid, notify the person applying for the license under authority of which the disturbance was made, to forthwith make such repairs as, in the opinion of the Superintendent, are necessary; and in case of the failure of the person to make such repairs within twenty-four hours after the receipt of such notice the Superintendent shall then have the right to make the necessary repairs at the expense of the licensee.

- B.

All amounts received by the City Treasurer for work done or materials furnished under the direction of the Superintendent, as authorized above, shall be placed to the credit, and to be used as a part, of the appropriation of the Streets Division.

(Prior code § 17-16)

#### 12.12.090 - License—Water and electrical connection approval.

The Superintendent shall grant a license to a person who presents a license from the Water Department to repair or lay water pipes, and to a person who presents a license from the City Electrician to connect with the lamps or pipes of the City.

(Prior code § 17-17)

#### 12.12.100 - License—Removal or delivery of merchandise.

The Superintendent may grant to competent persons engaged in the business, licenses to occupy and use certain portions of the streets for the purpose of raising and lowering goods and merchandise into and from buildings on conditions the terms of which shall be those stated in Sections 12.12.020 through 12.12.080 of this chapter, so far as the same may apply, and in addition that the person applying for the license shall maintain, during the whole time the work is in progress, good and sufficient barriers across the sidewalk, from the wall of the building to or from which they are so raised, out to the curbstone or edge of the sidewalk, on each side of such goods or merchandise, sufficient to protect travelers from injury or danger; and that he shall not encumber the sidewalk for more than thirty minutes at a time for such work.

(Prior code § 17-18)

#### 12.12.110 - Proposed construction or excavation—Notification procedures.

Whenever the Superintendent of Streets is about to construct a new street, or to break up the surface of any street, he shall, at least two weeks before beginning work, notify the City Engineer, as head of the Sewer Division, City Electrician and all public utilities having locations in such street. If any of these departments or utility companies has any work to be done in the street so designated, it shall consult and arrange with the Superintendent, in order that such work may be done before the surface of such street is again prepared for and open to public travel. After such

notice and opportunity have been given, none of the departments or utility companies shall, for the period of six months, break up such street within the area of such previous disturbance, except in case of obvious necessity, to be certified to and approved by the City Manager.

(Prior code § 17-19)

#### 12.12.120 - Barriers and lighting.

Whenever any highway, street or bridge is from any cause unsafe or inconvenient for travelers, the Superintendent of Streets shall forthwith put up a suitable barrier across such highway, street or bridge, and exclude all travelers from passing over the same; or cause the parts thereof, so rendered unsafe and inconvenient, to be enclosed by a sufficient barrier, which shall be kept standing so long as the same remains unsafe and inconvenient; and he shall also place one or more lighted lanterns to such barrier, or in some other proper manner, to be there kept every night, from twilight in the evening, through the night, so long as such barrier is kept standing.

(Prior code § 17-20)

#### 12.12.130 - Gates and doors swinging outward prohibited.

No person shall make, erect or maintain any gate or door in or upon any street in such manner that, when opening it, swings over such street.

(Prior code § 17-22)

#### 12.12.140 - Doorsteps, porticos or entrances to basements—Authorization required.

No person shall make, erect or maintain any doorstep, portico, porch, entrance or passageway to any cellar or basement or any other structure, in or upon any street, without permission in writing, from the Superintendent when authorized by the City Council. No person shall suffer the platform or grate of the entrance or passageway to his cellar or basement in any street, to rise above the even surface of such street; and every such entrance or passageway shall either be kept covered by a suitable and substantial platform or grate, or in case it is kept open, it shall be guarded and protected by a sufficient railing, on both sides thereof, at least two and one-half feet high, and well lighted at night.

(Prior code § 17-23)

12.12.150 - Wells, cisterns, drains and cavities—Protective barriers required.

If any person digs or sinks or causes to be dug or sunk, any well, cistern, drain or other cavity in the ground, near to or adjoining any street, he shall put up and at all times keep up, so long as it is necessary for the purpose, a railing or barrier, on or near the line of such street, sufficient to guard and protect travelers and passengers from falling into such well, cistern, drain or other cavity.

(Prior code § 17-24)

12.12.160 - Obstructing crosswalks unlawful.

No person shall stop his vehicle, or unnecessarily place any other obstruction, on any crosswalks laid in or across any street.

(Prior code § 17-25)

12.12.170 - Encroaching building removal.

Whenever the City Manager shall be notified by the City Engineer that any building or structure has been placed within the lines of a public street, or so that it may cause injury or inconvenience to a public street, he shall forthwith issue an order to the party offending, directing that the building or structure be removed within a certain specified time, and in case of noncompliance the City Manager shall direct that the encumbrance be removed at the expense of the delinquent.

(Prior code § 17-26)

12.12.180 - Apertures or receptacles in streets.

No person shall make or cause to be made any aperture in or under any street or sidewalk, for the purpose of constructing a receptacle for any article, or for light and air, or for any other purpose, without a license from the Superintendent of Streets, authorized by the City Council; and no person shall leave such aperture open or unfastened, except while actually in use. No aperture in a sidewalk shall be made or maintained more than eighteen inches in diameter, nor unless the cover therefor is made of iron with a rough upper surface and with three or more iron rods or

legs at least two feet in length fitting closely to the underside of the cover, and so constructed that while the cover can be lifted perpendicularly, it cannot be tipped or easily removed from the opening.

(Ord. 1092 (part), 1989; prior code § 17-29)

12.12.190 - Temporary sidewalk erection and maintenance.

- A. Any person licensed under the provisions of Sections 12.04.020 and 12.16.140 of this title and Sections 12.12.010 through 12.12.050 of this chapter, whenever so ordered by the City Manager or the Superintendent of Streets, shall erect and maintain in good condition, day and night a temporary sidewalk abutting upon that part of the street which he is licensed to use and obstruct, constructed in accordance with specifications approved by the Commissioner of Public Works.
- B. When a building is used or occupied by more than one tenant, the owner or person having care of the building shall cause the ice to be removed from the sidewalk, in the manner provided for in Section 12.16.110 of this title, and in default thereof shall be liable to the same penalties as are therein provided.

(Prior code § 17-31)

12.12.200 - Awnings, canopies and clothes lines—Authorization required.

No canopy or awning shall hereafter be erected or maintained within the limits of any street, without the written permission of the Superintendent of Streets authorized by the City Council, except a canopy or awning, constructed of cloth or canvas attached to an iron frame, securely fastened and supported from above and with no part less than nine feet above the level of the sidewalk over which it is placed. No clothes dryer or clothes lines, and no clothes or garment shall be hereafter placed or hung over a sidewalk or within the limits of any street without the written permission of the Commissioner of Public Works.

(Prior code § 17-32)

12.12.220 - Claims for damages—Liability limitations.

Every owner of any estate who maintains any cellar, vault, coal hole or other excavation under the part of the street adjacent to or which is a part of, his estate, shall do so only on condition that such maintenance shall be considered as an agreement on his part to hold the City

harmless from any claim for damages to himself or the occupants of the estate resulting from gas, sewage or water leaking into such excavation, and every owner who maintains a post, pole or other structure in or over a street, or a wire, pipe, conduit or other structure under a street, shall do so only on the condition that such maintenance shall be considered as an agreement on his part to keep the same and the covers thereof in good repair and condition, at all times during his ownership, and to indemnify and save harmless the City against any and all damages, costs, expenses or compensation which it may sustain, or be required to pay by reason of such excavation or structure being over, under or in the street, or being out of repair during his ownership, or by reason of any cover of the same being out of repair or unfastened during his ownership.

(Prior code § 17-33)

#### 12.12.230 - Extinguishing lights— Violation—Penalty.

Whoever maliciously or wantonly, and without legal cause, extinguishes or diminishes a light fixed in accordance with the provisions of Sections 12.12.020 through 12.12.080 of this chapter, shall be liable to a penalty of not exceeding fifty dollars.

(Prior code § 17-21)

### Chapter 12.16 - STREET AND SIDEWALK USE REGULATIONS

#### Sections:

#### 12.16.010 - Acceptance of public ways— Review and report required.

In order to protect the citizens and their real estate values and to encourage the best possible land development, no proposed public way shall be accepted by the City Council until the proposal has been referred to the City Engineer, Electrical, Planning, Public Works, Traffic and Water Departments for a review and report concerning the design, engineering, construction and utility aspects of the proposed road. If no such report shall have been filed with the Council after thirty days from the date of referral, the Council may accept the proposed road.

(Prior code § 17-42)

#### 12.16.020 - Person obstructing passage—Loitering.

No person shall stand upon any sidewalk or street so as to interrupt, obstruct or prevent the free passage over the same by the public, or to stand or loiter on the sidewalk in front of or at the side of any building to the annoyance or disturbance of any person, and who fails or refuses to move on when directed to do so by a police officer.

(Prior code § 17-41)

12.16.030 - Trees—Climbing—Signposting—Fastening horses.

No person shall climb a tree in any street or fasten or tie a horse or other animal, bicycle, moped, scooter, motorcycle, or any other form of conveyance to, or post a bill upon, any such tree, or allow any horse or other animal owned by him, or under his control to stand so near any such tree, that such tree may be gnawed or otherwise injured by such horse or other animal.

(Ord. 1383, 5/23/2016; prior code § 17-35)

12.16.040 - Sidewalks—Riding or driving.

No person shall drive, ride, wheel or draw any vehicle across a sidewalk except on a driveway designed for the purpose of passage of vehicles, and no person shall use for access of any vehicle to a sidewalk any log, skid block, bricks or other articles placed in the gutter or street; provided that this section shall not apply to children's carriages or sleds containing children and drawn by hands.

(Ord. 1092 (part), 1989; prior code § 17-39)

12.16.050 - Sidewalks—Responsibility for repairs.

All sidewalks shall be kept in repair at the expense of the City; provided, however, that if such repairs are rendered necessary by any act of the owner or occupant of the adjoining land or by any defect in the buildings thereon or by any other cause under the control of such owner or occupant, the repairs shall be made by such owner or occupant; and if he fails to do so the repairs shall be made by the City, at his expense.

(Prior code § 17-27)

12.16.060 - Plank sidewalks—License required.

- A. No person shall place upon any sidewalk any board or plank walk without first obtaining a written license from the Superintendent authorized by the City Council; and walks hereafter laid under authority of such license shall be constructed in accordance with the specification to be approved by the Superintendent. Such walks shall be removed whenever in the judgment of the City Council, public safety and convenience require such removal.
- B. Plank walks, authorized as provided in subsection A of this section, shall be laid and kept in proper condition by the respective owners thereof, and the same shall be taken up by such owners whenever the Superintendent of Streets shall so direct.

(Prior code § 17-28)

#### 12.16.070 - Sidewalks—Signposting—Water runoff.

No person shall insert a sign in a sidewalk without the permission of the Superintendent of Streets, authorized by the City Council; and no person shall permit a leader or conductor from the roof of a building owned by him to be so placed or maintained as to direct a volume of water upon or across the surface of the sidewalk.

(Prior code § 17-30)

#### 12.16.080 - Carrying showboards, placards and signs.

No person shall, without authority from the Superintendent of Streets, place or carry, or cause to be placed or carried, on a sidewalk, a showboard, placard or sign for the purpose of there displaying or attracting attention to the same.

(Prior code § 17-38)

#### 12.16.090 - Free commercial distribution of tobacco products in public places—Penalty.

- A. In order to avoid obstruction and congestion of public ways and places, to control and reduce litter, and to protect pedestrians from annoyance and invasion of privacy, no person in the business of selling or otherwise distributing cigarettes or other tobacco or smoking products for commercial purposes, shall in the course of

such business, distribute any cigarettes or other tobacco or smoking products free to any person on any public street or sidewalk, or in any public park or playground, or any other public ground, or in any public building.

- B. Any person who violates this section shall be punished by a fine of not less than twenty nor more than fifty dollars.

(Ord. 981, 1982: prior code § 17-41A)

#### 12.16.100 - Sidewalks—Obstruction—Fruit peelings.

- A. No person shall place, or cause to be placed, upon any sidewalk, any article whatsoever, so as to obstruct a free passage for travelers for more than fifteen minutes.
- B. No person shall wilfully and maliciously tip over and spill out the contents of any box or barrel containing ashes or other house dirt set upon the sidewalk. No person shall throw or place upon any sidewalk or crosswalk any banana skin, orange peel or other slippery substance.

(Prior code § 17-40)

#### 12.16.110 - Sidewalks—Snow and ice removal.

- A. Removal of Snow from Sidewalks. The owner or occupant of private property bordering on a street where there is a sidewalk or footway shall, within twelve hours after snow ceases to fall in the daytime and before one p.m. after a fall of snow during the night, cause all snow that may be on such sidewalk or footway to be removed therefrom. In the event of an unusually heavy snowfall, the time limit shall be extended at the discretion of the Commissioner of Public Works. The provisions of this section shall apply to snow which falls from buildings as well as to that which falls from the clouds.
- B. Removal of Ice from Sidewalks. The owner or occupant of private property bordering on a street where there is a sidewalk or footway any portion of which is encumbered by ice shall within six hours after the sidewalk or footway becomes encumbered with ice cause such sidewalk or footway to be made safe and convenient by removing the ice therefrom, or by keeping the same covered with sand or some other suitable substance.

(Prior code § 17-79)

12.16.130 - Cleaning carpets in streets.

No person shall shake or otherwise clean a carpet in any street.

(Prior code § 17-37)

12.16.140 - Alteration or repair—Authority.

The provisions of this chapter and Chapters 2.54, 12.04 and 12.12 of this code shall not be construed as limiting in any manner the legal rights and duties of the Superintendent of Streets to order such alterations and repairs in streets as he may deem that the safety and convenience of the inhabitants require.

(Prior code § 17-43)

12.16.150 - Alteration or repair— Improvement assessments.

Whenever the City Council determines that land or buildings shall be taken for street widening or street laying out purposes betterments shall be assessed according to law for the improvement of any property that the City Council may determine is in the benefited area.

(Prior code § 17-8)

12.16.160 - Violation—Penalty.

- A. **Criminal Penalty.** Any person who violates Section 12.16.110 (Sidewalks—Snow and ice removal) shall be subject to a fine not exceeding fifty dollars. Each day's violation shall constitute a separate offense.
- B. **Noncriminal Disposition.** Whoever violates Section 12.16.110 (Sidewalks—Snow and ice removal) may be penalized by a noncriminal disposition as provided in G.L. c. 40, s. 21D. For purposes of this section, the Commissioner of Public Works shall be the enforcing officer, except that the Commissioner may delegate his enforcing authority to designated Public Works Enforcement Officers. The penalty for each violation will be fifty dollars, thereby increasing the non-criminal disposition fine for failure of an abutter to remove snow and ice from sidewalks in front of their property within the timeframes provided in the ordinance. Each day's violation shall constitute a separate offense.

(Ord. 1084 § 5, 1989)

(1317, Amended, 10/06/2008; Ord. 1289, Amended, 09/12/2005)

12.16.170 - Street performers.

The City Council finds that the existence in the City of street performers provides a public amenity that enhances the character of the City and seeks to encourage such performances to the extent that they do not interfere with the reasonable expectations of residents to the enjoyment of peace and quiet in their homes or to the ability of businesses to conduct their businesses uninterrupted. This section seeks to balance the interests of the performers with those of the residents and businesses of the City.

The City Council designates the Arts Council of the City to be the agent of the City primarily charged with the responsibility of supervising the provisions of this section.

A. Definitions.

1. "Perform" includes, but is not limited to, the following activities: acting, singing, playing musical instruments, pantomime, juggling, magic, dancing, reading, puppetry, sidewalk art (working with non-permanent, water-soluble media, i.e., chalk, pastels, or watercolors directly on the pavement), and reciting.  
Perform shall not include the production of items for sale.
2. "Performer" means a person who has obtained a permit pursuant to this section.
3. "Public areas" means public sidewalks, parks, playgrounds and other Cambridge pedestrian areas.

B. Prohibition.

No person may perform in a public area without a permit issued pursuant to subsection C of this section.

C. Permit.

1. A permit shall be issued by the Cambridge Arts Council to each applicant therefor in exchange for a completed application and a fee of forty dollars .
- 2.

A completed application for a permit, and the permit itself, shall contain the applicant's name, residence address and telephone number, and shall be signed by the applicant.

3. A permit shall be valid from the date on which it is issued through the end of that calendar year.
4. A permit shall be nontransferable, and shall contain the permit number of the applicant and the year in which the permit is valid. Each member of a group of performers who play together shall be required to obtain an individual permit. In no event shall any group of performers, identified as such in their application and noted on their permits, be charged more than one hundred and sixty dollars total for permits for group members.
5. Upon issuing a permit, the Arts Council shall also give the performer a copy of this section.
6. If a performer loses his or her permit, one replacement permit per year may be obtained for a fee of fifteen dollars.

D. Display of Permit.

A performer shall clearly display his or her permit while performing, and shall allow inspection of the permit by any Cambridge police officer or staff person of the Cambridge Arts Council on request.

E. Permitted Performances.

1. Performances may take place in the following locations:
  - a. In public areas, except within one hundred feet of an elementary and/or secondary school, library, or church while in session, a hospital at any time, and except public areas excluded by the City Council, the Commissioner of Public Works, or the Chief of Police pursuant to subsection F of this section;
  - b. On private property, with the written permission of the owner or other person in control of such property;
  - c. In public areas where an authorized street fair or public festival is being conducted, with the permission of the sponsor of such fair or festival.

2. Performances may take place at the following times:
    - a. Monday through Thursday, between 7:00 a.m. and 11:00 p.m.
    - Friday, between 7:00 a.m. and 12:00 midnight p.m.
    - Saturday, between 7:00 a.m. and 12:00 midnight p.m.
    - Sunday, between 12 noon and 11:00 p.m.
  - b. In the public space at the intersection of Mt. Auburn Street and JFK Street, known as Winthrop Park, performances may take place at the following times:
    - Monday through Thursday, between 7:00 a.m. and 10:00 p.m.
    - Friday, between 7:00 a.m. and 11:00 p.m.
    - Saturday, between 8:00 a.m. and 11:00 p.m.
    - Sunday, between 12:00 noon and 10:00 p.m.
3. a. No performer or group of performers may generate noise exceeding a median sound level of eighty decibels measured at a distance of twenty-five feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident, a designated staff person from the Cambridge Arts Council shall, with the permission of the resident, measure the sound level inside the residential dwelling. If the sound level exceeds a median sound level of fifty decibels, and exceeds the background noise by at least ten Db(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations. Background noise for this purpose shall mean L 90 .
  - b. Drums shall be inaudible at a distance of one hundred fifty feet.
4. A performer may not create an undue interference with the passage of the public through a public area. If a performer attracts a crowd sufficient to obstruct the public way, a police officer may disperse the

portion of the crowd that is creating the obstruction. The police officer shall not cause the performer to leave the location unless efforts to move the crowd fail to adequately protect the public safety or order. A police officer shall not ask the performer to leave the location unless all other means of restoring the public safety or order have been exhausted.

5. No performer or group of performers may perform less than fifty feet from another performer or group of performers.
6. A performer may request contributions or money or property at a performance, provided that no sign requesting contributions shall exceed twelve inches by eighteen inches in size. Contributions may be received in any receptacle, such as an open musical instrument case, box or hat. Performers may offer for sale recordings of their own work, in the form of records, cassettes, videotapes or compact discs. On sidewalks, displays must not obstruct handicap ramps, doorways, or windows (i.e., performers shall not tape or post signs or posters on windows or lean displays against windows so as to obstruct a clear view through the window), and must not exceed more than 20% of the width of the sidewalk from the property line of the premises in front of which the display is installed. Notwithstanding the foregoing, a performer may set up a display on the public sidewalk in front of a doorway to a business if the business is not open, assuming said display meets all other requirements of this section. In public areas other than sidewalks, no such display shall exceed twenty-five square feet, and it shall be prohibited to place a carpet, rug, blanket, or other such covering over grass in a public place.

F. Exclusion of Public Areas.

1. A specific public area may be excluded from performances in accordance with constitutional standards by decision of the City Council after a public hearing notice of which shall be advertised once in a local newspaper no less than fourteen days prior to said hearing. In addition a written notice shall be sent to the Street Artists Guild no less than ten days prior to said hearing; or
  - a.

Based upon evidence presented to the City Council during its deliberations on the adoption of the ordinance codified in this section, the City Council designates Brattle Street on both sides from the northerly side of Church Street to the northerly lot line of 76 Brattle Street as an excluded area, thereby prohibiting performances in that area.

- b. Due to the proximity of Quincy Park to a residential area, a hotel, and a library, the City Council designates Quincy Park an excluded area, thereby prohibiting performances in that area.
  - c. During the major reconstruction of the Central Square area scheduled to begin during 1996, the City Council finds that, based upon evidence elicited at public hearing, issues of serious public safety will occur during said reconstruction of streets, sidewalks and infrastructure, and finds further that it will be necessary to temporarily exclude performances from said areas of reconstruction. The City Council hereby authorizes the City Manager or his designee to issue notices of exclusion from areas to be defined by the City Manager as the reconstruction proceeds. The City Manager shall report to the Council when the reconstruction has been completed.
2. By decision of the Chief of Police in the case of an emergency: any holder of a license who disputes the need for said emergency exclusion may appeal to the City Council for review.
  3. By decision of the Commissioner of Public Works in the case of an emergency regarding a park or playground: any holder of a license who disputes the need for said emergency exclusion may appeal to the City Council for review.

#### G. Penalties.

##### 1. Noncriminal Disposition.

Whoever violates any provision of this section may be penalized by a noncriminal disposition as provided in G.L. c. 40, s. 21D. For purposes of this section, the following officials shall be enforcing persons: police officers and/or Cambridge Arts Council staff. The penalty for each violation will be twenty-five dollars.

2. Suspension of Permit.

The Cambridge Arts Council and/or the Cambridge police may suspend a permit for no more than thirty days if:

- a. a performer is found to have knowingly provided false information in the application; or
- b. a performer has received three noncriminal dispositions within one calendar year.

3. Revocation of Permit.

The Cambridge Arts Council may revoke a permit for the remainder of the calendar year if a performer has received five noncriminal dispositions during that calendar year.

4. Before suspending or revoking a permit, the Arts Council must hold a public hearing, after ten days written notice to the performer setting forth the facts constituting the basis for the proposed suspension or revocation.
5. A performer may not receive a permit unless all tickets from the previous year have been paid.

H. Exclusivity.

The provisions of this section take precedence over any other City regulations or ordinance applicable to street performances. To the extent other City regulations or ordinances are applicable and are inconsistent with this section, this section shall govern. Sound levels generated by street performances shall be governed by this section and not by the Cambridge City noise ordinance.

I. Peace and Quiet.

A performance in accordance with this ordinance shall be presumed not to constitute a disturbance of the peace or quiet.

J. Severability.

The provisions of this section are severable, and if any part of this section should be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of the section and the remainder of the section shall stay in full force and effect.

(Ord. No. 1176, Revised, 042296; Ord. No. 1176, Revised, 04/22/96; Ord. No. 1176, Revised, 04/22/96)

## Chapter 12.18 - STANDARDIZING THE PLACEMENT AND MAINTENANCE OF NEWSRACKS

### Sections:

#### 12.18.010 - Definitions.

When used in this Ordinance, unless the context otherwise requires, the following terms shall have the following meanings:

- a. "Commissioner" shall mean the Commissioner of the Public Works Department of the City of Cambridge or such person as said Commissioner may from time to time designate.
- b. "Newsrack" shall mean any type of self-service device for the vending or free distribution of newspapers or periodicals.
- c. "Certificate of Compliance" shall mean the Certificate of Compliance issued by the Commissioner to the Certificate Holder in accordance with the provisions of this Ordinance.
- d. "Certificate Holder" shall mean the holder of a Certificate of Compliance issued by the Commissioner in accordance with the provisions of this Ordinance. A Certificate Holder is responsible for the installation and maintenance of newsracks encompassed by any Certificate of Compliance issued pursuant to the provisions of this Ordinance and for compliance with all provisions contained herein.
- e. "Operator" shall mean any natural person or other legal entity including, but not limited to, corporations, partnerships, joint ventures and the like who either own, operate or are otherwise in control of a newsrack.
- f.

"Public way" shall mean any public highway, private way laid out under authority of statute, way dedicated to public use, or way under the control of park commissioners or other body having like power.

#### 12.18.020 - Certificate of Compliance

- a. Requirement. No person shall place, affix, erect, constitute or maintain a newsrack in or on any part of a public way without first obtaining a Certificate of Compliance from the Commissioner in accordance with the provisions of this Ordinance.
- b. The Certificate of Compliance must be renewed annually by application to the Commissioner.
- c. Issuing Authority. The Commissioner shall be the issuing authority and coordinator of the application process and administration of this Ordinance.
- d. Approving Authority. The approving authority shall be the Commissioner. The Commissioner or his/her designee shall review and approve for compliance with Section 12.18.020, entitled Certificate of Compliance, Section 12.18.040, entitled Standards, and Section 12.18.070, entitled Installation, Maintenance and Delivery Time.
- e. Application Process. Applicants must complete a written application on a form provided by the Commissioner.
- f. Application. The application shall describe in sufficient detail, the number, location and type of newsracks for which the Certificate of Compliance is sought and shall contain the following information:
  1. the name, address and telephone number of the applicant who is the owner/operator or other person who is the principal responsible person in charge of the newsrack (s); and
  2. the name, address and telephone number of a natural person (if different from the applicant) whom the City may notify and/or contact at any time concerning the applicant's newsracks. This person would be responsible for receiving complaints and notices of violations when a Certificate of Compliance is issued and for providing information relating to the application during the application process; and
  3. the number of newsracks and a written description specifying the proposed approximate location of each; and

4. a certificate of insurance naming the City of Cambridge as an additional insured in an amount sufficient to indemnify the City and hold it harmless from any and all claims or judgements for personal and bodily injury, including death, or property damage and from costs and expenses to which the City may be subjected or which it may suffer or incur by reason of the design, placement, installation, operation or maintenance of any of the applicant's newsracks. Reasonable evidence of self-insurance coverage may be substituted by the applicant for the certificate of insurance. Insurance under this section shall run continuously with the presence of the applicant's newsrack in City of Cambridge public ways and any termination or lapse of such insurance shall be a violation of this Ordinance, subject to appropriate remedy under Section 8 of this Ordinance; and
  5. a certification from the applicant stating that the proposed location for all of the newsracks listed in the application are in compliance with the provisions of this Ordinance.
- g. Issuance of a Certificate of Compliance. Upon a finding by the Commissioner that the applicant is in compliance with the provisions of this Ordinance, the Commissioner shall issue a Certificate of Compliance for installation by the applicant. The Commissioner shall issue a partial Certificate of Compliance upon a finding that some of the proposed newsrack locations are in compliance with the provisions of this Ordinance. Issuance of a Certificate of Compliance or a partial certificate of compliance shall designate the applicant to be the Certificate Holder. The Commissioner shall issue a Certificate of Compliance within ten days of the Commissioner's receipt of the completed application.

Proposed locations shall be approved on a first come, first serve basis by the Commissioner. No preference shall be given to applicants who might have had newsracks in a particular location prior to the effective date of this Ordinance. No applicant shall be approved for more than one newsrack at any particular location.

- h. Denial of Certificate of Compliance. If an application for a newsrack location is denied, the Commissioner shall notify the applicant within ten days of the Commissioner's receipt of the completed application. The Commissioner shall state the specific reasons for denial. The applicant may reapply for a substitute alternative location without having to pay an additional application fee. An applicant who has been denied a Certificate of Compliance pursuant to this

12.18.040 - Standards

- a. Placement. Subject to the prohibitions contained in this section newsracks shall be placed parallel to and not less than eighteen (18") inches nor more than twenty-four (24") inches from the edge of the curb. Newsracks so placed shall face the sidewalk, not the street. Newsracks placed near the wall of a building or other structure must be placed parallel to and not more than six (6") inches away from the wall.

No newsrack (s) shall be affixed, erected, installed, placed, used or maintained:

1. at any location in excess of eight (8) feet in width (plus the width of a newsrack) whereby the clear space for the passage of pedestrians is reduced to less than eight (8) feet in width; or, if the sidewalk location is less than eight (8) feet in width (plus the width of a newsrack), then the clear space for the passage of pedestrians shall not be reduced to less than five (5) feet in width; however, a width of four (4) to five (5) feet may be approved by the Commissioner if requested, only after the Commissioner consults with the Pedestrian Committee and the Disabilities Commission as to whether the particular location at issue necessitates the 4-5 foot width, and whether the pedestrian passage there could safely and reasonably be reduced to a width of 4-5 feet; and
2. within five (5) feet of any marked, or unmarked crosswalk or handicapped ramp; and
3. within five (5) feet of any fire hydrant, fire lane, fire call box, police call box or other emergency facility, mail box, telephone booth or stand; and
4. within five (5) feet of any part of a curb return of a curb ramp or driveway, or in the case of a curb ramp or driveway without a curb return, within five (5) feet of the point where the curb edgestone or edging begins a change in grade toward the driveway or ramp on each side thereof, or in the case of a termination of the curb, edgestone or edging without a change in grade or a turn, within five (5) feet of the point of the same terminates on each side of the ramp or driveway; and
5. within five (5) feet of any traffic control signal or traffic sign; and
6. within five (5) feet of a bicycle rack; and

7. within five (5) feet ahead or fifteen (15) feet to the rear of any designated bus stop, taxi stand, valet parking area, loading zone or fire lane, or any disabled parking space, unless such newsrack is placed parallel against a wall that is within four feet (4') of a designated bus stop, taxi stand, valet parking area, loading zone or fire lane and the newsrack so placed does not project into or otherwise interfere with the unobstructed flow of pedestrian and vehicular traffic;
8. which in any way protrudes onto a street;
9. on any sidewalk immediately abutting a public school; or
10. within three (3) feet of any structure's window or within three (3) feet of any pre-existing sign.

The Commissioner may require that newsracks at locations in which more than three (3) are adjacent shall be set within an open-ended corral installed by the City; and the Commissioner may require that newsracks at a particular location be chained to each other and/or to a permanent hitching post installed by the City. The Commissioner may choose the locations for corrals and hitching posts based on the history of misaligned or knocked over newsracks at the location, the high volume of pedestrian traffic at the location, or the relatively high concentration of newsracks at the location. However, nothing in this paragraph shall be construed to limit the locations at which corrals and hitching posts may be required.

(Ord. 1291, Amended, 11/07/2005)

#### 12.18.050 - Attachment to Property.

- a. Attachment to Trees and Other Objects Prohibited. Except to the extent permitted by regulations promulgated by the Commissioner, no operator shall place or cause to be placed and no operator shall suffer to remain any newsrack chained or otherwise attached to any tree, street light post, traffic signal or sign.
- b. Attachment to Other Newsracks. Newsracks, when placed side by side, may be chained or otherwise attached to one another, provided that no group of newsracks shall extend for a distance of more than eight (8) feet along a curb. Not more than eight (8) newsracks shall be located within a two hundred (200) foot stretch of sidewalk, unless the Commissioner deems the particular sidewalk at issue to be large enough to safely and aesthetically accommodate a larger number.

(Ord. 1291, Amended, 11/07/2005)

12.18.060 - Advertising Prohibited.

It shall be unlawful for any operator to use a Newsrack for advertising or publicity purposes other than to display the publication's name and/or company logo.

(Ord. 1291, Amended, 11/07/2005)

12.18.070 - Installation, Maintenance, and Delivery Time.

Newsracks shall be of a sturdy material and installed or otherwise placed and maintained by the Certificate Holder in accordance with the following provisions:

- a. Each newsrack shall prominently display the name, address and phone number of a person or entity responsible for that newsrack.
- b. Each newsrack shall be:
  - I. installed or placed on the pavement in an upright, sufficiently weighted and secure position;
  2. of a type that is completely enclosed, with a self-closing door that is either self-latching or otherwise requires manual or mechanical release at each use; and
  3. maintained in a state of good repair and in a neat and clean condition; and
  4. maintained in a condition that is free of accumulations of outdated printed materials, trash, rubbish, or debris; and
  5. handicapped accessible, as defined by the state Architectural Access Board at 521 C.M.R.
  6. no part of any newsrack may exceed five (5) feet in height, thirty (30) inches in width, and twenty-four (24) inches in depth.
- c. Each newsrack shall be regularly serviced so that:
  1. it is kept reasonably free of graffiti; and
  2. it is kept reasonably free of chipped, faded, peeling and cracked paint in the visible painted areas thereof; and
  3. it is kept reasonably free of rust and corrosion in the visible unpainted

metal areas thereof; and

4. the clear glass or plastic parts thereof, if any, through which the printed material is being dispensed are not broken and are kept reasonably free of tears, peeling or fading; and
  5. the structural parts of the newsrack are not broken or unduly misshapen.
- d. Anyone disturbed by noise from the delivery of papers to any newsrack may complain to the Commissioner. The Commissioner shall forthwith notify the Certificate Holder of the complaint. The Certificate Holder shall contact the complainant and attempt to resolve the complaint. If the complaint is not resolved to the complainant's satisfaction within ten (10) days, the complainant may request a meeting before the Commissioner, or his/her designee, and the Certificate Holder. After such meeting, the Commissioner shall have authority to impose a reasonable resolution to the complaint, including ordering the relocation of the newsrack/s causing the noise problem.

(Ord. 1291, Amended, 11/07/2005)

#### 12.18.080 - Enforcement Procedures.

- a. Non-Conforming Newsracks. Any newsrack found not to be in compliance with this Ordinance shall be subject to the enforcement provisions contained herein.
- b. Abandonment. In the event that any newsrack installed pursuant to the provisions of this Ordinance does not contain the printed material being dispensed therein for a period of seventy-two (72) hours after the release of the current issue, the Commissioner may deem the newsrack abandoned and take appropriate action under this Ordinance. A newsrack shall otherwise be deemed abandoned if no printed material is found in the newsrack for a period of more than fifteen (15) consecutive days. In the event that a Certificate Holder voluntarily abandons a newsrack location, the Certificate Holder shall so notify the Commissioner, completely remove the newsrack and restore the public way to a safe condition.
- c. Enforcement.
  - 1.

Enforcement of the provisions of this Ordinance shall be carried out by the Commissioner. Upon a determination that a violation of any provision of this Ordinance exists the Commissioner shall notify the Certificate Holder of the violation in writing by first class mail. The notice shall include:

- a. the location of the newsrack; and
  - b. the date of the incident or other cause giving rise to the violation; and
  - c. a brief and concise statement of the facts causing the violation.
2. The notice shall inform the Certificate Holder that at the expiration of ten (10) days from the receipt of the violation notice, the newsrack will be removed by the Commissioner, unless the violation is corrected.
  3. Upon removal of a newsrack, the Commissioner shall send, by first-class mail, written notice of such removal to the Certificate Holder.
  4. Notwithstanding the provisions of the foregoing paragraphs 1(a) - 1(c) of this section, the Commissioner may order the immediate removal of any newsrack (s) that the Commissioner determines presents an imminent threat or peril to public safety, provided that the Certificate Holder, shall be notified of such removal as soon as practicable thereafter, and further provided that any newsrack so removed shall be stored a period of thirty (30) days in order to allow the Certificate Holder to retrieve the newsrack. If the Commissioner removes a newsrack under this section (4) which does not have a Certificate of Compliance, the Commissioner shall dispose of the newsrack at the end of the thirty (30) day period.

#### 12.18.090 - Fees For Removal and Storage.

- a. A newsrack removed pursuant to this Ordinance may be retrieved by the Certificate Holder at any time within thirty (30) days of its removal upon payment of a removal fee of fifty (\$50.00) dollars plus a storage fee of ten (\$10.00) dollars per day, to a maximum combined removal and storage fee of two hundred (\$200.00) dollars per rack.
- b. After thirty (30) days, any newsracks removed by the Commissioner pursuant to Section 12.18.080 of this Ordinance shall be deemed "abandoned property" and become the property of the City of Cambridge.
- c.

Failure of a Certificate Holder to retrieve a newsrack within the specified thirty (30) day period shall not operate to dismiss any fees owned to the City for removal and storage of such newsrack. Unpaid fees accrued pursuant to this Section 12.18.090 shall be considered a debt payable to the City.

(Ord. 1291, Amended, 11/07/2005)

#### 12.18.100 - Regulations.

The Commissioner may, with the approval of the City Manager, promulgate such rules and regulations consistent with the provisions of this Ordinance and the laws of the Commonwealth of Massachusetts as shall carry out the purposes of this Ordinance.

#### 12.18.110 - Effect on Other Laws.

Nothing in this Chapter shall affect the adoption of regulations affecting newsracks by other government bodies, such as historic district commissions, to the extend such bodies are authorized to adopt such regulations.

#### 12.18.120 - Severability

The provisions of this Ordinance shall be severable and if any section, part, or portion hereof shall be held invalid for any reason by any court, the decision of such court shall not affect or impair any remaining section, part or portion thereof.

#### 12.18.130 - Effective Date.

This Ordinance shall take effective one hundred fifty (150) days from the date of approval.

(1214, Added, 02/22/1999)

### Chapter 12.20 - COMMONS AND PUBLIC GROUNDS

#### **Sections:**

#### 12.20.010 - Playgrounds—Rules and regulations.

The City Manager, after consulting representatives of the surrounding neighborhood and with the approval of the City Council in each instance, may adopt and amend reasonable rules governing activities in public playgrounds not exceeding fifteen thousand square feet in area. Such rules may prescribe the hours during which the playground shall be open. A sign or signs containing the rules shall be posted at the playground.

(Ord. 1021 (part), 1985: prior code § 14-24)

#### 12.20.020 - Playgrounds—Radio playing.

No person shall use or operate any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound in any park or playground at any time to the disturbance of the peace and comfort of the inhabitants of the City.

(Ord. 1021 (part), 1985: prior code § 14-25)

#### 12.20.030 - Sunday sports or games.

- A. Permits for Sunday sports or games on public parks or playgrounds shall be issued by the Recreation Commission or by its authorized agents.
- B. Permits for such Sunday sports and games shall be conducted between the hours specified on the permits and shall be started sufficiently early to allow for their ending within the specified time.
- C. At least one police officer shall be assigned to duty on each Sunday when a permit for any game or sport is issued by the Recreation Commission for any park or playground.
- D. Permits for use of Russell Field for sports or games on Sundays shall be issued by the Commission at its discretion. When admission is charged or when any collection is made, the fee for the use of the field for such Sunday games or sports shall be determined by the Commission, but shall be not less than twenty-five dollars, payable at the office of the Recreation Commission before the permit is issued. When no admission is charged or no collection is taken, there shall be no charge for the permit. Police protection satisfactory to the Commission or its authorized agent shall be furnished by the permit or organization to whom the permit is issued.

- E. An additional fee of not less than fifty dollars shall be charged when any permit shall be granted for hurling, soccer or Gaelic football games, which amount shall be reserved for appropriations for reconditioning or repairs which may be necessary to the field.

(Prior code § 14-9)

12.20.050 - Selling items or holding shows prohibited.

No person shall expose for sale or sell any goods, wares or merchandise, or erect or maintain a booth, stand, tent or apparatus of any kind for purposes of amusement or show on any grounds under the control of the Commissioner of Public Works, except by permission of said Commissioner.

(Prior code § 14-19)

12.20.060 - Walking or lying on grass prohibited.

No person shall walk, stand or lie upon the grass upon any common or other public grounds where such walking, standing or lying has been prohibited, and notice of such prohibition given to the public by legible notices placed on such common or public ground.

(Prior code § 14-22)

12.20.070 - Damaging flower beds prohibited.

No person shall walk, stand, sit or lie down in or upon, or pull a flower or plant out of a flower bed on any common or other public grounds, nor suffer a dog or other animal belonging to him, or in his charge, to stand or walk upon such flower bed.

(Prior code § 14-21)

12.20.080 - Athletic sports—Location restrictions.

No person, except by permission of the Commissioner of Public Works, shall engage in any athletic sports upon any common or other public grounds, except upon such portions thereof as may be set apart for such purposes.

(Prior code § 14-17)

12.20.090 - Digging in or dumping on grounds prohibited.

No person, except by permission of the Commissioner of Public Works and for some public use, shall dig or carry away any sward, gravel, sand, turf or earth from, nor carry or cause to be carried upon any common or other public grounds any carcass, ordure, filth, dirt, stones or any offensive matter whatever, or throw or place thereon any stones, sand, gravel, turf, earth, rubbish or other substance.

(Prior code § 14-15)

12.20.100 - Horse riding prohibited—Exceptions.

No person, except by permission of the Commissioner of Public Works, shall ride, lead or drive a horse in or upon the commons or other public grounds, except that, on the occasion of a military exercise, parade or review, horses necessary for the purposes thereof may be allowed upon any common or other public grounds used for such exercise, parade or review.

(Prior code § 14-13)

12.20.120 - Carpet cleaning prohibited.

No person shall shake or otherwise clean a carpet on any common or other public grounds.

(Prior code § 14-16)

12.20.130 - Injuring or breaking public property.

No person shall pull up, break, cut or deface any of the walks, seats, fences or railing upon or around any common or other public grounds, nor deface any monument or statue on any common, nor interfere with any of the hydrants upon any common or other public ground.

(Prior code § 14-20)

12.20.140 - Violation - penalty

- A. Criminal Penalty. Any person who violates any provision of this chapter or any rule adopted and posted pursuant to section 12.20.010 shall be liable to a fine not exceeding fifty dollars for each offense. Each day's violation shall constitute a separate offense.

- B. Non-criminal disposition. Any person who violates any provision of this chapter or any rule adopted and posted pursuant to section 12.20.010 may be penalized by a non-criminal disposition as provided in General Laws Chapter 40, section 21D. For purposes of this section, the following officials shall be enforcing persons: Police Officers, employees of the Animal Commission, Inspectional Services Inspectors and Parking Control Officers. The penalty for each violation shall be twenty-five dollars. Each day's violation shall constitute a separate offense.

(1188, added, 09/08/1997)